

Remarks

Responsive to the Restriction Requirement mailed December 19, 2006, Applicants have canceled Claims 27 and 32 herein without prejudice or disclaimer and provisionally elect with traverse Group I which encompasses Claims 1-30, drawn to methods of inhibiting angiogenesis or tumorigenesis in a biological sample or in a patient comprising combining an inhibitor of apelin alone, or in combination with an anti-cancer agent, with the sample or administering the combination to the patient. Applicants further provisionally elect with traverse Species A (inhibitors affecting apelin) and Nested Species A (antibody to apelin).

The restriction requirement is respectfully traversed on the basis that the examination of each of the groups of claims, and species and subspecies within each group, would not be a serious burden on the Patent Office because of their close technological relationship.

In order for a restriction requirement to be appropriate, there must be a serious burden on the Patent Office to search all of the inventions, and the inventions must be independent or distinct as claimed. Applicant respectfully submits that searching each of the four groups in the present application would not be a serious burden on the Patent Office. Each group relates to the modulation of the activity of the same polypeptide, apelin. For the foregoing reason, Applicants respectfully elect with traverse Group I (Claims 1-30), Species A (inhibitors affecting apelin), and Nested Species A (antibody to apelin).

The foregoing is submitted as a full and complete response to the Restriction Requirement mailed December 19, 2006. If there are any issues which can be resolved by telephone conference, the Examiner is invited to call the undersigned attorney at (404) 853-8031. A petition for a one-month extension of time and the required fee are being submitted herewith.

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No additional fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 19-5029.

Respectfully submitted,

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